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HOUSE BILL 1142

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

KIP W. NICELY

AN ACT

RELATING TO STATE GOVERNMENT; LIMITING THE CONTENTS OF CERTAIN  
STATE DOCUMENTS; ENACTING NEW SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LEGISLATIVE FINDINGS. --The legislature finds  
and declares that certain state publications such as pamphlets,  
booklets, brochures and maps may be made to appear to have a  
political purpose by the inclusion in the publications of the  
names or photographs of elected or appointed officials. The  
legislature finds that this practice, especially during pre-  
election and transition periods, may result in a misuse of  
taxpayers' money and often results in an inefficient and  
wasteful use of state resources. As such, the legislature finds  
that it is in the best interest of the people of New Mexico to  
prohibit the inclusion of elected or appointed officials' names

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1 and photographs on certain state publications during pre-  
2 election or transition periods.

3 Section 2. STATE PUBLICATIONS--CONTENT LIMITATIONS. --

4 A. As used in this section:

5 (1) "appointed official" means any person who  
6 has been appointed to a state office, board or commission;

7 (2) "elected official" means a person elected  
8 to any state office or a person appointed to an office that is  
9 subject to an election, excluding legislators and judges;

10 (3) "election transition period" means the  
11 period beginning May 1 of a year in which a general election is  
12 held and ending January 1 of the succeeding year;

13 (4) "print" means to reproduce by mass  
14 production methods, including mass copying on an office copying  
15 machine. The term "print" does not include the printing of  
16 individual sheets of paper on a personal computer printer or  
17 office copying machine; and

18 (5) "restricted publication or document" means  
19 any booklet, brochure, flier, pamphlet, photograph or other  
20 printed material, including letterhead stationery, that has a  
21 useful life beyond the election transition period. "Restricted  
22 publication or document" does not include:

23 (a) timely, dated newsletters or  
24 periodicals;

25 (b) annual reports;

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1 (c) reports required by statute or  
2 regulation that are the responsibility of the official in office  
3 at the time of publication, and

4 (d) maps or graphic items that depict  
5 temporary projects.

6 B. No restricted publication or document printed or  
7 published during the election transition period may include a  
8 name, photograph, drawing or other likeness of an elected,  
9 appointed, acting, interim or temporarily appointed official if  
10 the position of that official, or the position of any member of  
11 the body of which that official is a member, is subject to  
12 election in the general election of that year or to appointment  
13 by an official elected in the general election of that year.  
14 The date of printing shall be determined by the date of issuance  
15 of the purchase order.

16 C. Any restricted publication or document, except  
17 letterhead stationery, that contains an out-of-date name,  
18 photograph, drawing or other likeness but that in all other ways  
19 is accurate and up to date, shall not be discarded and shall be  
20 used in the same manner as an accurate and up-to-date  
21 publication or document.

22 D. Forms, applications or other documents directly  
23 or indirectly required by statute that are to be used by the  
24 public shall not include a name, photograph, drawing or other  
25 likeness of an elected or appointed official.

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E. When an appointed state official is subject to confirmation, the name or photograph of the official shall not be printed on restricted publications or documents while the official is awaiting confirmation.

Section 3. ENFORCEMENT.--The department of finance and administration, on or about April 1 of every general election year, shall send formal notification of this content limitation to the finance officers of all state agencies and to all state-owned and state-contracted printing services. The department may adopt and promulgate rules and regulations necessary to implement the provisions of Section 2 of this act.